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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10.087.611	03/01/2002	Robert E. Baker	11564.0050.NPUS00 (Former)	7955

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EXAMINER

ESTRADA, ANGEL R

ART UNIT	PAPER NUMBER
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2831

DATE MAILED: 10/24/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/087,611

Applicant(s)

BAKER ET AL.

Examiner

Angel R. Estrada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,

a) "The tie-breaker" (claims 8,9 and 21).

b) "The access panel that allows visual inspection" of the circuit breaker without opening" (claims 5, 13 and 18) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

c) "The current monitoring unit" (claim 10).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 line 8, "without exposure to remaining energized panelboards" confusing and unclear. Additionally, "panelboards" lacks antecedent basis.

Claim 13 is included due to its dependency.

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Any further rejections of claims 12 and 13 in this office action are based on claims 12 and 13, as they are understood by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6-10, 12, 14, 17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Skirpan (US 5,070,429).

Regarding claim 1, Skirpan discloses a remote distribution cabinet (17) comprising: at least one panelboard (see figure 2) having a plurality of circuit breakers (23); a plurality of structural members (see figure 3) attached to the panelboard (see figure 6), thereby forming a frame structure (see figure 3) including the panelboard (see figure 6); and a bottom member (13) attached to the structural members (see figure 1).

Regarding claim 4, Skirpan discloses the remote distribution cabinet (17) further comprising at least one access panel (21) covering the plurality of circuit breakers (see figure 1).

Regarding claim 6, Skirpan discloses the remote distribution cabinet (10) wherein said access panel (21) is adjustable to allow for a shift in the position of the circuit breakers (23) within the panelboard (see figure 2).

Regarding claim 7, Skirpan discloses the remote distribution cabinet (10) comprising at least two panelboards (see figure 2) wherein one or more panelboards are arranged to receive power from different sources (column 9 line 46-56)

Regarding claim 8, Skirpan discloses the remote distribution cabinet (10) further comprising a tie-breaker (see figure 6-6b) for providing power from one of a plurality of sources to one or more panelboards.

Regarding claim 9, Skirpan discloses the remote distribution cabinet (10) further comprising a tie-breaker (see figure 6-6b) for providing power from one of a plurality of sources to one or more panelboards (see figure 6-6b).

Regarding claim 10, Skirpan discloses the remote distribution cabinet (10) comprising where a current monitoring unit may be arranged (see figure 2 and 6-6b) to measure the current of said at least one panelboard (see figure 2 and 6-6b).

Regarding claim 12, Skirpan discloses the remote distribution cabinet (10) further comprising an access panel (21) separately covering each of the panelboards (see figure 2), wherein service can be performed on at least one panelboard.

Regarding claim 14, Skirpan discloses the remote distribution cabinet (10) comprising: at least one panelboard (see figure 2); a means (see figure 2) for incorporating said panelboard into a frame structure for the remote distribution cabinet (10).

Regarding claim 17, Skirpan discloses the remote distribution cabinet (10) wherein the panelboard (see figure 2) comprises a plurality of circuit breakers (23) and the remote distribution cabinet (10) further comprises at least one access panel (21) covering the plurality of circuit breakers (see figure 1 and 2).

Regarding claim 19, Skirpan discloses the remote distribution cabinet (10) wherein said access panel (21) is adjustable to allow for a shift in the position of the circuit breakers (23) within the panelboard (see figure 2).

Regarding claim 20, Skirpan discloses the remote distribution cabinet (10) comprising at least two panelboards (see figure 2 and 6-6b) wherein one or more panelboards are arranged to receive power from different sources (column 8 line 11-18).

Regarding claim 21, Skirpan discloses the remote distribution cabinet (10) further comprising a tie-breaker (see figure 6-6b) for providing power from one of a plurality of sources to one or more panelboards (see figure 6-6b).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skirpan (US 5,070,429) in view of Skirpan (US 5,202,538).

Regarding claim 5, Skirpan discloses the claimed invention except for the access panel allows visual inspection of the circuit breakers without opening the access panel. Skirpan discloses a remote distribution cabinet (10) having an access panel (251) that allows visual inspection of some electrical components inside the cabinet without opening the access panel (column 13 line 16-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Skirpan (US 5,070,429) panel of a material that allow visual inspection as taught by Skirpan (US 5,202,538) to provide the user with a panel that will allow visual inspection of the circuit breaker to prevent electric shock hazards.

Regarding claim 13, Skirpan discloses the claimed invention except for an access panel that allows visual inspection of the circuit breakers without opening it. Skirpan discloses a remote distribution cabinet (10) having an access panel (251) that allows visual inspection of some electrical components inside the cabinet without opening the access panel (column 13 line 16-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Skirpan (US 5,070,429) panel of a material that allow visual inspection as taught by Skirpan (US 5,202,538) to provide the user with a panel that will allow visual inspection of the circuit breaker to prevent electric shock hazards.

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Regarding claim 18, Skirpan discloses the claimed invention except for the access panel allows visual inspection of the circuit breakers without opening the access panel. Skirpan discloses a remote distribution cabinet (10) having an access panel (251) that allows visual inspection of some electrical components inside the cabinet without opening the access panel (column 13 line 16-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make Skirpan (US 5,070,429) panel of a material that allow visual inspection as taught by Skirpan (US 5,202,538) to provide the user with a panel that will allow visual inspection of the circuit breaker to prevent electric shock hazards.

5. Claim 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skirpan (US 5,070,429) in view of Pouliot (US 5,784,249).

Regarding claim 11, Skirpan discloses the claimed invention except for the cabinet comprising at least one main circuit breaker. Pouliot discloses a distribution cabinet (see figure 1) comprising a panelboard (2) with a circuit breaker (4) and at least one main circuit breaker (16) for said at least one panelboard (see figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Skirpan with a main circuit breaker for the panelboard as taught by Pouliot to provide the cabinet with a main circuit breaker to provide disconnect means to disconnect any circuit breaker whenever its necessary.

6. Claims 2 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skirpan (US 5,070,429) in view of Feldpausch et al (US 6,430,882).

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Regarding claim 2, Skirpan discloses the claimed invention except a bottom member sized to fit the cabinet within a raised floor. Feldpausch et al disclose a remote distribution cabinet (9a) having a bottom member attached to structural members (see figure 40); said bottom member is sized to allow the remote distribution cabinet to fit within a raised floor tile space (28 or see figure 40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Skirpan's cabinet with a bottom member sized to allow the cabinet to fit within a raised floor tile space as taught by Feldpausch et al to provide stability to the cabinet and to provide space saving means in a modular office.

Regarding claim 15, Skirpan discloses the claimed invention except for a bottom member sized to fit the cabinet within a raised floor. Feldpausch et al disclose a remote distribution cabinet (9a) having a bottom member attached to structural members (see figure 40); said bottom member is sized to allow the remote distribution cabinet to fit within a raised floor tile space (28 or see figure 40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Skirpan's cabinet with a bottom member sized to allow the cabinet to fit within a raised floor tile space as taught by Feldpausch et al to provide stability to the cabinet and to provide space saving means in a modular office.

7. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skirpan (US 5,070,429) in view of Feldpausch et al (US 6,430,882) as applied in claim 2 and 15, respectively, and further in view of Domigan (US 4,536,612).

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Regarding claim 3, the modified Skirpan discloses the claimed invention except for a junction box attached to the bottom member of the cabinet so as to be disposed beneath a raised floor. Domigan discloses a junction box disposed beneath a raised floor, said junction box can be attached to the bottom member of a distribution cabinet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Skirpan's cabinet with a junction box attached to the bottom member and disposed beneath a raised floor as taught by Domigan to provide power services to different workstations on the floor, such as the one located in a modular office floor.

Regarding claim 16, the modified Skirpan discloses the claimed invention except for a junction box attached to the bottom member of the cabinet so as to be disposed beneath a raised floor. Domigan discloses a junction box disposed beneath a raised floor, said junction box can be attached to the bottom member of a distribution cabinet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to Skirpan's cabinet with a junction box attached to the bottom member and disposed beneath a raised floor as taught by Domigan to provide power services to different workstations on the floor, such as the one located in a modular office floor.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Santamaria (US 6,308,477), Mendoza (US 6,102,214), Planas, Sr. et al (US 6,114,632), Kostic (US 5,536,079), Walker (US 6,445,585), Zimmerman (US 5,370,553), Wright (US 6,348,655), Winker (US 5,905,631), Tessmer (US

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5,378,058), Sevier (US 5,574,251), Bell, Jr. (US 5,573,321) disclose a distribution cabinet having a plurality of structural members that forms a frame structure. Cassity et al (US 5,072,071) discloses an electrical distribution cabinet having a plurality of circuit breakers. Coller (RE.33, 220), Bessert (US 5,477,649), Dillard (US 5,053,637) disclose a raised floor with a distribution cabinet.

9. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (703) 305-0853. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for after final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AE

October 7, 2002

Dean A. Reichard 10/18/02
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